

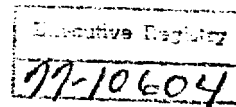
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International Business Machines Corporation

Thomas J. Watson Research Center
P. O. Box 218
Yorktown Heights, New York 10598
914/945-2555



November 29, 1977

OLC #77-5381

Admiral Stansfield Turner
Director of Central Intelligence
Washington, D.C. 20505

Dear Stan,

Enclosed is a letter which I have just sent David Aaron, advocating criminal penalties for the release of classified information, rather than strict limitations on access.

I don't know what input you have made on this question, but I did want you to know my views.

Sincerely yours,

Richard L. Garwin mll

Richard L. Garwin

encl:

11/29/77 LTR: RLG to David Aaron.

RLG:mll:333.ST

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Mr. David Aaron
National Security Council
Executive Office Building
Washington, DC 20506

Dear David,

Many months ago, I mentioned briefly to you in your office my views as to how we should treat the secrecy responsibility of government employees.

Unfortunately, I have not seen the draft which has apparently been widely circulated by the Administration, but I have been thinking further about this question and want to restate my judgments in the matter.

- 1) There should be no restrictions per se on the right of reporters or others, not having access to classified information, to publish or to repeat what they have learned.
- 2) Within broad categories of classified information (CONFIDENTIAL, SECRET, TOP SECRET) there should be no restraint under criminal law to prevent an individual possessing information of that category from transmitting it to another individual cleared to receive information of that category. (There may be administrative recourse against the transmittal of compartmented information).
- 3) There should be criminal penalties for individuals who, legitimately having access to or possession of classified information, knowingly transmit it to an individual who does not have such legitimate access. In prosecuting such a suit, it should not be necessary to show that damage to the United States has resulted or would reasonably have been expected to have resulted, but only that the document was in fact legitimately classified.

Having had access to Top Secret information since 1950, having worked for contractors, the Executive, and the Congress, and having been at various times entirely out of sympathy with general or specific goals of various Administrations, I still believe that a secrecy law of this type is required to protect the national interest. By the "national interest," I mean the security of the individuals in this country.

I think the alternative which seems to be fairly popular, namely to limit very strongly the number of individuals with access to classified information, is simply an invitation to disaster. Reflective individuals with no operating responsibility have much to contribute from their experience and judgement, and it is unlikely that they would be granted access under such proposed access limitations.

I believe that vigorous prosecution under such a law as I classified information than are achievable limitations on access.

In putting into final form the Administration's program, I hope you will consider this point of view.

Sincerely yours,

Richard L. Garwin mlf

Richard L. Garwin

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